



Hamilton

**STAFF COMMENTS**

**HEARING DATE: January 21, 2025**

A-24:260 – 323 Rymal Road East, Hamilton

**Recommendation:**

Approve — Development Planning

**Proposed Conditions:**

1. That the requested variances generally apply to the provided site plan sketch package titled A-0.0-A-5.1, dated August 2024, as found in the Notice of Public Hearing for file A-24:260 for 323 Rymal Road East, Hamilton. (Development Planning)

**Proposed Notes:**



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## **Development Planning:**

### **Background**

The proposed variances are in support for the development of a 4-storey multiple dwelling. The application is related to ZAC-19-031, SPA-24-019 & building permit 21-123152-01.

The following variances are being **requested**:

1. To permit a minimum of 29 parking spaces whereas the by-law requires a minimum of 35 parking spaces.
2. To permit a maximum floor area ratio of 1.071 whereas the by-law permits a maximum floor area ratio of 0.9.
3. To permit a minimum landscape percentage of 24.3% whereas the by-law requires a minimum landscape percentage of 25%.

Staff recommend that Variance 1 be amended to reflect a parking rate, in order to better reflect the provision being varied and to ensure that should the concept change, a sufficient amount of parking is still provided. Staff recommend the following **revised Variance 1**:

1. To permit a minimum parking rate of 1.03 spaces per unit; whereas, the by-law requires a minimum parking rate of 1.23 spaces per unit.

### **Urban Hamilton Official Plan**

The subject property is designated as “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan. Policy E.3.5.2 permits multiple dwellings in medium density residential areas. The subject lands are not located within any secondary planning area found in Volume 2 of the Urban Hamilton Official Plan. Based on the forgoing policies, multiple dwellings are permitted.

The following Official Plan policies are applicable, among others:

- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.



- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.
- f) The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, cultural heritage resources, cultural heritage landscapes, and other parts of the City as identified through secondary plans or other studies, through the submission of a Visual Impact Assessment to the satisfaction of the City. (OPA 167)”

Based on the forgoing policy sections the proposal conforms to the applicable Official Plan policies, including Policy E.3.5.9 and permits the proposed use on subject lands. The proposed variances are generally consistent with the previously approved *Planning Act* applications. The development is along a Major Arterial, which is an appropriate location for increased residential densities. It’s important to note that the proposed building height and massing is similar to what was previously approved through ZAC-19-031, with no increase in building height or decrease in the rear yard setback proposed. Staff do not anticipate any adverse impacts generated from the proposed variances. The proposed size is suitable in terms of height, massing and arrangement of buildings. Through previous applications the proposed multiple dwelling was evaluated and was approved through SPA-24-019, ZAC-19-031 and By-law No. 20-153. The proposed massing and development concept has not significantly changed from what was previously approved. Based on the forgoing, the proposal meets the general intent and purpose of the Official Plan.

### **Cultural Heritage**

Staffs comments were addressed as part of SPA-24-019.



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**Former City of Hamilton Zoning By-law No. 6593**

The subject property is zoned DE-2/S-1798 (Multiple Dwellings) in the Former City of Hamilton Zoning By-law No. 6593. This zone permits the proposed land use of multiple dwellings.

**Analysis**

Revised Variance 1

1. To permit a minimum parking rate of 1.03 spaces per unit; whereas the by-law requires a minimum parking rate of 1.23 spaces per unit.

The intent of the minimum parking provision of the Zoning By-law is to ensure adequate on-site parking is being provided for the uses proposed. This will also ensure that parking spill over will not negatively impact neighbouring properties and land uses. The proponent has proposed a parking rate of 1.03 spaces per dwelling unit. Council has recently approved updated minimum parking standards through Zoning By-law No. 05-200. Under these new parking standards, the lands would fall within Parking Rate Area 1 which would not require any resident parking. Although the lands are not currently within Zoning By-law No. 05-200, it represents Council approved guidance on the provision of on-site parking and is useful for evaluating development applications. Based on the lands being located in Parking Rate Area 1, the proposed 1.03 spaces per unit would represent a significant surplus over what would be required. Staff also note that the proposed development is located along a Major Arterial and are well serviced by municipal transit, with the Rymal opposite Turner Park bus stop located directly adjacent to the lands on Rymal Road East. Staff recommend that the requested revised Variance 1 be approved as it meets the four tests under the *Planning Act*.

Variance 2

1. To permit a maximum floor area ratio of 1.071 whereas the by-law permits a maximum floor area ratio of 0.9.

The intent of the maximum floor area ratio is to prevent over development of the site. Staff don't have concerns with the proposed variance as the increase is considered minor and the massing and setbacks are similar to what was approved through previous *Planning Act* applications. No variances related to building height or setbacks are proposed. Staff have reviewed the proposal through previous applications and are satisfied that the increase in floor area ratio is appropriate for the site and will not generate undue adverse impacts to the site as well as neighbouring properties. Staff are supportive of the proposed variance. The variance is generally consistent with what was approved and evaluated during the Site Plan process.



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## Variance 3

- To permit a minimum landscape percentage of 24.3% whereas the by-law requires a minimum landscape percentage of 25%.

The intent of the minimum landscaping percentage is to ensure the provision of sufficient landscaped area on the site in order to create opportunities for increased planting and amenity area. The applicant has demonstrated that the proposal will have adequate plantings and landscaped areas that are suitable. The reduction from 25% of landscaping down to 24.3% is a minor decrease and staff are of the opinion that the reduction is appropriate and meets all the four tests under the *Planning act*.

Based on the forgoing analysis staff recommend the **approval of the revised Variance 1, and Variances 2 and 3 as proposed** as they maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development of the subject lands.

### Zoning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	Subject to conditional Site Plan approval SPA-24-019 and Building Permit 21-123152-01.

### Cultural Heritage:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	Staff's comments were addressed as part of SPA-24-019
Notes:	

### Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

### Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	



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**STAFF COMMENTS**

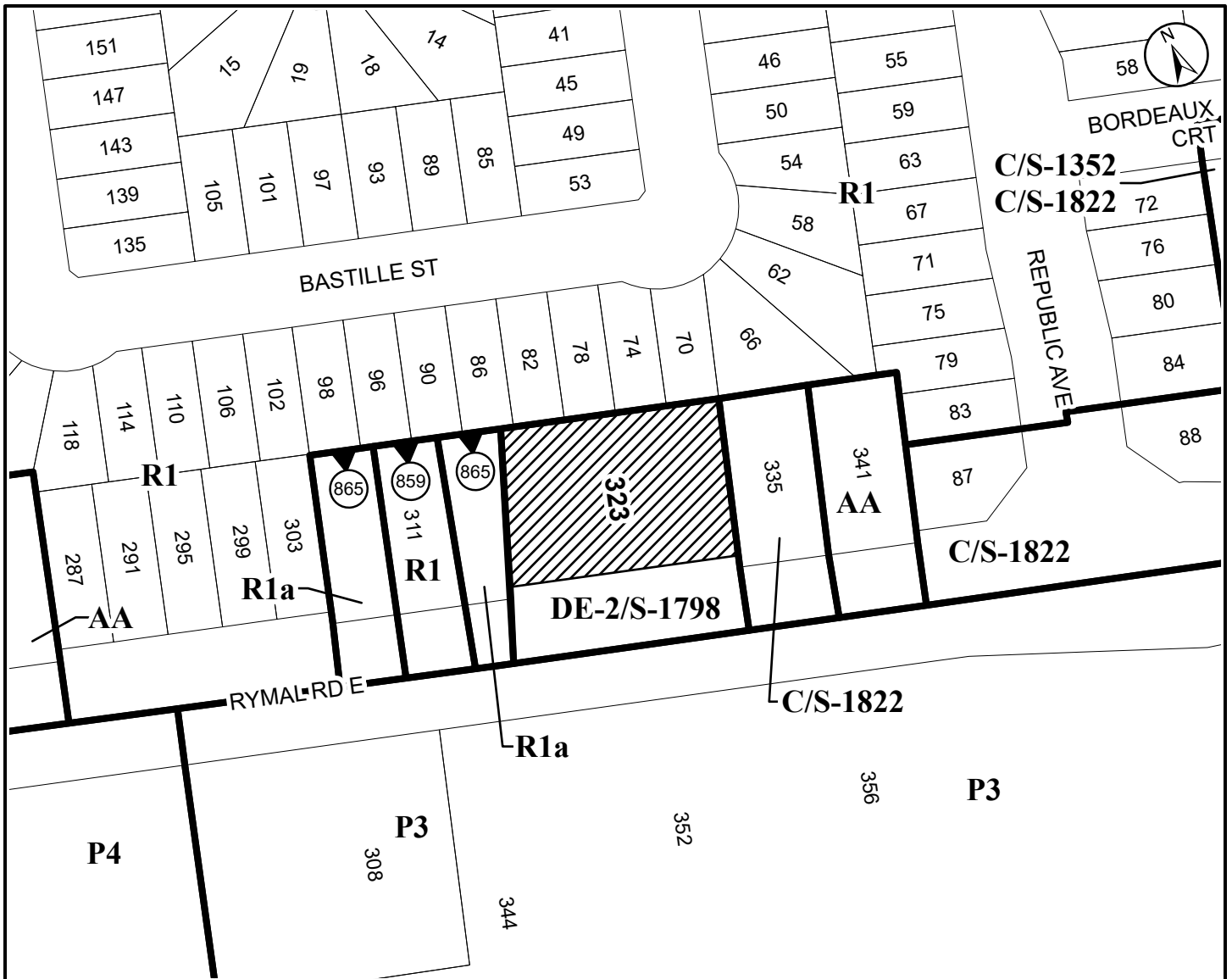
**HEARING DATE: January 21, 2025**

Notes:	A building permit is required for the construction of the proposed 4-storey multiple dwelling.
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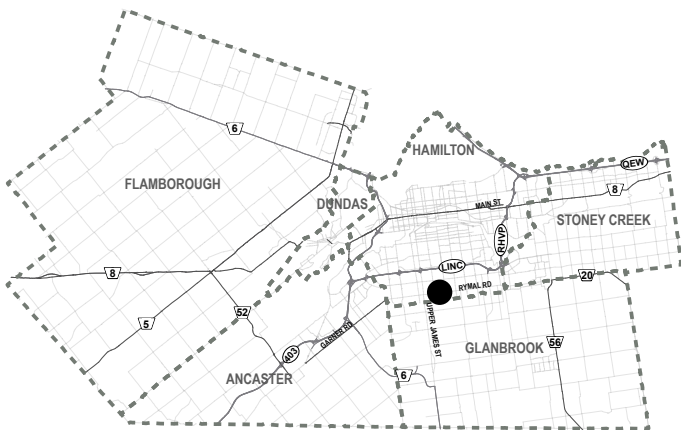
**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



323 Rymal Road East, Hamilton  
(Ward 7)

File Name/Number:  
A-24:260

Date:  
January 8, 2025

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department